ESSAY FOR THE COMPLETION OF THE PISA WINTER SCHOOL

ON "Democracy and Rule of Law in international relations"

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Title:

"*From Aristotle to the EU: A story of Democracy*"

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1. Introduction

The topic of this study is a reflection on the themes of liberty and equality, prompted by my participation in the seminar on Democracy and Rule of Law in International Relations. As I come from Greece, the birthplace of democracy, I was inspired to follow a more historical and philosophical exploration of the topic. Therefore, this paper is set to embark on the historical trajectory of democratic principles, particularly as elucidated by the French Revolution's Declaration of the Rights of Man and of the Citizen in 1789. Our framework for the study is to trace the evolution of these principles from ancient political philosophy, starting with Aristotle's views on polity.

The essay delves into the enduring significance of liberty and equality in the contemporary era, with a focus on their enshrinement in the founding treaties of the European Union (EU) and the Treaty of Lisbon. For instance, the 1789 Declaration of the Rights of Man and of the Citizen proclaims the inherent freedom and equality of all individuals before the laws (art. 1), emphasizing that distinctions between citizens should be founded only upon skill and merit (art. 6). In the Treaty on European Union, the preamble confirms the commitment to the principles of liberty, democracy, and respect for human rights, while the Treaty of Lisbon explicitly states that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law, and human rights. Moreover, the democratic institutions within the EU play a crucial role in upholding these principles. This essay attempts to underscore the importance of democratic governance in fostering cooperation, transparency, and the protection of individual rights within the supranational framework of the EU. Over the course of this study, it becomes quite evident that the principles of liberty and equality, originating from ancient philosophical thought and evolving through historical events like the French Revolution, continue to shape the democratic ethos of the European Union.

2. The first wave: On Liberty and Equality

2.1 The French Revolution

The French Revolution of 1789-1799 was a seismic event that not only transformed France but reverberated globally, reshaping political ideologies and challenging age-old power structures. The revolutionary fervor gave rise to republics and democratic governments, marking a shift from entrenched monarchies. Despite its complexities and violent upheavals, the French Revolution significantly influenced the modern perception of the terms "liberty" and "equality" within the context of democracy[1].

France in the eighteenth century was mired in political and economic turmoil, fostering discontent among the common people. The *Ancien Régime*, characterized by feudalism and absolute monarchy, fueled resentment, especially among the Third Estate – the middle class and peasantry. The monarchy's financial troubles, exacerbated by involvement in the American Revolutionary War, led to heavy taxes burdening the majority, while the nobility enjoyed exemptions. The French Revolution was motivated by a fervent desire for political change, driven by Enlightenment ideals that championed liberty and progress. Members of the Third Estate, influenced by political philosophers of the Age of Enlightenment, sought a reduction of the king's powers in exchange for increased political agency for the common citizenry. The prevailing sentiment was that political power should respond to the demands of the majority[2].

The French Revolution profoundly shaped modern perceptions of "liberty" and "equality" within the democratic context. It demonstrated that common people could wield political power, challenging established norms and power structures. The emphasis on the rights of the individual, as inspired by Enlightenment ideals, became integral to the evolving concept of democracy. While the revolution had its shortcomings and moments of terror, it contributed to the global shift towards republics and democratic governance. The principles of liberty and equality, first expressed during the French Revolution, continue to resonate in the foundations of modern democratic societies[3].

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[1] Livesey, J. (2001). *Making Democracy in the French Revolution*. Harvard University Press, p. 19.
[2] Fehér, F. (1990). *The French Revolution and the Birth of Modernity (2nd ed.)*. University of California Press, pp. 117-120.
[3] Fehér, op.cit, pp. 120-130.

It is indeed true that the revolutionary zeal manifested in the creation of the French Republic, with aspirations to benefit the common people through an ideal republican government. However, the revolution was also marred by political divisions, leading to violent transfers of power and culminating in the Reign of Terror. It is, therefore, worth noting that sometimes liberty and equality can also negate each other and call for mitigation, as suggested in the following chapters.

2.2 Alexis de Tocqueville v. Rousseau

Alexis de Tocqueville, a keen observer and critic of the democratic ideals that unfolded during and after the French Revolution, held a perspective distinct from the main thinkers of the era, notably Rousseau. While he acknowledged his intellectual communion with Pascal and Montesquieu, Tocqueville found himself at odds with Rousseau on the critical interplay between liberty and equality, moral principles that lay at the heart of democratic beliefs. Rousseau posited that liberty and equality were symbiotic, each indispensable to the other. He argued that only under conditions of political equality could liberty replace privilege, and only through the independence of citizens could freedom flourish[4]. Tocqueville, too, recognized the moral claim inherent in the demand for political equality, acknowledging its roots in the common origin and nature of mankind. However, he diverged from Rousseau's optimism, harboring concerns about the potential threats that radical egalitarianism posed to individual liberty. Tocqueville, fearing the consequences of an unchecked pursuit of equality, raised apprehensions about a tyranny of the majority. Even within the bounds of political equality, he foresaw the specter of majority rule jeopardizing individual freedoms. Expanding his critique to socio-economic realms, Tocqueville envisioned a thoroughgoing egalitarianism erasing wealth distinctions, thereby undermining the right to private property—a right he deemed crucial to personal independence[5].

Tocqueville's reservations stemmed from his recognition that, unchecked, the pursuit of equality could encroach upon the delicate balance required for the preservation of individual liberty. He saw the potential for a democratic society to become tyrannical,

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[4] Krefting, E. (2015). Rousseau – Equality and Freedom in the Community. In: Fløistad, G. (eds) *Philosophy of Justice. Contemporary Philosophy: A New Survey, vol 12*. Springer, Dordrecht, pp. 191-211.

[5] Lakoff, S. (1987). Liberty, Equality, Democracy: Tocqueville's Response to Rousseau. In: Feaver, G., Rosen, F. (eds) *Lives, Liberties and the Public Good*. Palgrave Macmillan, London, pp. 101-120.

not through the imposition of a singular ruler, but through the dominance of the majority, eroding the rights and autonomy of individuals – something which did come to life a few decades later under the Soviet regime. Therefore, he proposed a nuanced solution to address the potential negation of liberty by equality. He advocated for safeguards that would temper the excesses of egalitarian aspirations. Recognizing the moral imperative behind political equality, Tocqueville sought to establish mechanisms that would prevent the tyranny of the majority, particularly in socio-economic matters. Crucially, he emphasized the importance of preserving the right to private property as a safeguard against the overreaching impact of radical egalitarianism. In Tocqueville's vision, a just and sustainable democratic society required a delicate equilibrium—a balance where the principles of equality, derived from the shared humanity of individuals, coexisted with safeguards that protected the essential liberties and rights of each citizen. Through this nuanced approach, Tocqueville aimed to reconcile the moral claims of equality with the imperative of safeguarding individual liberty in the evolving landscape of democratic governance[6].

2.3 Aristotle's Polity and equality in the Athenian Republic

Aristotle's concept of "polity" or "mixed regime" laid the groundwork for a form of government that sought a delicate balance between democracy and oligarchy. This nuanced system aimed to reconcile the interests of various social classes, preventing the excesses of either of the two extremes[7]. Pericles' *Epitaphios Logos*, delivered during the Peloponnesian War in ancient Athens to honour the first dead of the war, while Athens was winning, resonates with Aristotle's principles of polity as it articulates the essence of the Athenian Republic. Pericles, acknowledging the democratic ideals of Athens, extols the virtues of civic participation and equality before the law[8]. In the funeral oration, he emphasizes the importance of democratic citizenship and the shared responsibility of citizens in governing the polis. This echoes Aristotle's belief in a political system where power is distributed among various classes, preventing the tyranny of the majority or the concentration of power in the hands of a few. Both Aristotle's polity and Pericles' vision of the Athenian Republic reflect a commitment to

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[6] Lakoff, op. cit., pp. 101-120.
[7] Aristotle. *Politics*, *Book 4*, 1294b.10–18
[8] Thucydides. *Book 2*, 34-46.

balancing the interests of different segments of society, creating a harmonious political order that values both individual liberty and collective well-being.

3. The Second Wave: Democracy as a human right

3.1 Origins of the Second Wave

The aftermath of World War II ushered in a transformative era in the global landscape, marked by a resolute commitment to democracy as a fundamental human right. The horrors of totalitarian regimes during the war, with their blatant disregard for individual freedoms and democratic principles, prompted a collective resolve to establish a new world order rooted in the principles of liberty, equality, and participatory governance. At the heart of this paradigm shift stood the Universal Declaration of Human Rights, adopted in 1948 by the United Nations[9]. Article 21 of this groundbreaking declaration explicitly asserted that everyone possesses the right to participate in the government of their country, either directly or through freely chosen representatives. Furthermore, it emphasized equal access to public service, anchoring the authority of government in the will of the people expressed through genuine and periodic elections. This declaration marked the dawn of the second wave of democracy, where democratic institutions were not merely political structures but recognized as intrinsic to the preservation of basic human rights and the prevention of the atrocities witnessed during the war.

3.2 Aristotle on Justice

Although Aristotle's philosophy preceded by many centuries the modern thinkers, who considered personal liberties as inherent in human beings, his views on justice set the basis for later ideas. In the Aristotelian Ethics, justice is a defense mechanism against inequality and avarice. If someone desires for much more than what rightfully belongs to them, they might wrong other people by taking away their own belongings[10]. Therefore, justice in Aristotelian philosophy is related to the concept of equality in society. Aristotle was the first thinker to differentiate between corrective justice and distributive justice[11]. Corrective justice refers to equality between parties, as one should

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[9] *Universal Declaration of Human Rights*, available at: https://www.un.org/en/about-us/universal-declaration-of-human-rights.

[10] Sourlas, P. (2000). *Φιλοσοφία του Δικαίου: Μια ιστορική εισαγωγή, Α' Τόμος:Αρχαιότητα [Philosophy of Law: A historical introduction, A]*. Athens: Sakkoulas Publications, p. 109.

[11] Sourlas, P., op. cit, p. 109.

not give or take items of greater value than the other party. However, Aristotle doesn't only refer to conventions or agreements, but also to what would today be regarded as the law of torts, as he does mention that having wronged someone creates an obligation for the other party to compensate for the damages. Distributive justice, on the other hand, refers to the distribution of shares according to skill and merit and is based on proportions, rather than arithmetic equality[12]. Aristotle is the first one to make that distinction, which is being mentioned here exactly due to the fact that both natures of justice have greatly influenced modern polities.

4. The Third and Fourth Waves: Democracy and International Relations

4.1 Democratic values in EU law

The evolution of democracy took new dimensions in the third and fourth waves, transcending national borders and becoming a criterion for international relations. A pivotal player in this global democratic agenda is the European Union (EU), where the principles of liberty, democracy, and respect for human rights are enshrined in foundational treaties, shaping its approach to both internal governance and external engagements.

The Maastricht Treaty (Treaty on European Union[13]), signed on 7 February 1992, explicitly affirms the attachment to the principles of liberty, democracy, and respect for human rights. Article 2 outlines the Union's commitment to defining and implementing a common foreign and security policy, with objectives that include the development and consolidation of democracy, the rule of law, and the respect for human rights and fundamental freedoms. This treaty laid the groundwork for the EU's active role in promoting democratic values beyond its borders.

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[12] Sourlas, op. cit., p. 110.
[13] Consolidated version of the Treaty on European Union, available at: https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF.

The Treaty of Lisbon[14], a key milestone in EU governance, explicitly articulates the foundational values in Article 1a. The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights. These values, shared among Member States, highlight the EU's commitment to a society characterized by pluralism, non-discrimination, tolerance, justice, solidarity, and gender equality. Moreover, Article 21 delineates the guiding principles for the Union's international actions, emphasizing democracy, the rule of law, human rights, and fundamental freedoms. The EU, through its international presence, seeks to advance these principles globally. Citizen participation is integral to the democratic ethos of the EU, as reflected in Articles 10 and 11 of the Treaty of Lisbon. These articles underscore the importance of an open, transparent, and democratic decision-making process, ensuring that citizens have the right to participate in the democratic life of the Union. The EU strives to foster democratic and transparent institutions, recognizing the significance of engaging citizens in the decision-making processes that impact their lives.

4.2 The EU and Aristotle's City State

While the Athenian democracy is certainly not a standard today's democratic societies should strive to abide by, seeing as it was a democracy of only free men born of two Athenian parents, which shunned virtually everyone else, it is worth noting how the main priorities of a Greek city state, as noted by Aristotle, could be compared to the creation of the EU, with many interesting analogies and differences. Aristotle, in his foundational work *Politics*, contends that the city-state is a natural and inevitable political entity that evolves organically from simpler associations. He traces its development from individual pairings to households, villages, and ultimately the complete city-state, which he sees as the culmination of self-sufficiency and the pursuit of the good life. Aristotle attributes fundamental values to the city-state, emphasizing autonomy, independence, and self-sufficiency. He posits that the city-state is a product of human intelligence, with the lawmakers playing a crucial role in establishing a legal system that elevates individuals from savagery to justice and virtue[15].

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[14] Treaty of Lisbon, available at: https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-lisbon.

[15] Aristotle. *Politics, Book 1*, 1253a.

The city-state in Aristotle's work does bear a few resemblances to the EU. Firstly, both Aristotle's perception of the city-state and the European Union (EU) recognize the inherently political nature of human beings. Aristotle contends that humans are political animals, equipped with speech to communicate moral concepts essential for the city-state. Similarly, the EU emphasizes communication and collaboration among member states, acknowledging the inherently political nature of individuals. Furthermore, both entities prioritize the collective institutions over individual isolation. Aristotle argues that the city-state is naturally prior to individuals, as they cannot fulfill their natural functions all by themselves. Similarly, the EU emphasizes the collective, with member states recognizing the importance of collaboration in addressing shared challenges and goals. Last but most definitely not least, a shared principle between Aristotle and the EU lies in the recognition of governance's and legal systems' role in shaping human behavior.

However, there is also much which can be noted as differences. While Aristotle's city-state evolves organically from more primitive associations, the EU is a modern construct emerging from diplomatic and political agreements, not strictly following a natural evolution, but mostly striving for supranational cooperation in a vast area, where historically most nations had been fighting against the others. Aristotle's city-state serves as the end for these associations, while the EU has distinct economic and political purposes, emphasizing collaboration rather than self-sufficiency. Moreover, Aristotle argues that individuals cannot perform their natural functions apart from the city-state[16]. In contrast, the EU acknowledges the importance of collective action but respects the sovereignty and independence of its member states, allowing for a more nuanced relationship between the union and individual nations. However, we need to note that Aristotle's thinking came way before modern philosophers put emphasis on the individual, and it derived from the views the Greeks held about the city and the importance of collective entities, as opposed to the unimportance of the individual, which would also explain how exile was a fate often thought of as worse than death in Ancient Greece, exactly because it made someone an outcast, never again welcome in their own city. In essence, Aristotle's values of autonomy, independence, and self-sufficiency find resonance in the principles of the European Union, but the entities

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[16] Aristotle. *Politics, Book 1*, 1253a.

differ in their origins, purposes, and nature, reflecting the evolution from ancient political thought to contemporary political realities.

5. Conclusions

The Winter School has proven to be an intellectually enriching expedition, delving into the evolution of democratic principles and the current EU institutions and foreign relations. It has been a thought-provoking journey, offering not only accurate and thought-provoking information, but also inspiring profound insights into the minds of influential thinkers like Aristotle, Tocqueville, and the architects of the European Union (EU) treaties.

Exploring the democratic waves, from the French revolution to the aftermath of World War II and then to the present criteria for international relations, this essay has showcased the transformative power of democratic ideals. The Universal Declaration of Human Rights in 1948 marked a watershed moment, embedding democracy as an inalienable human right and significantly influencing subsequent developments, particularly within the EU. Within this framework, Aristotle's examination of the city-state as a natural and indispensable political entity resonated profoundly during our exploration. His emphasis on autonomy, independence, and self-sufficiency in the city-state finds a fascinating parallel in the foundational principles of the EU. Both entities acknowledge the inherently political nature of individuals, the significance of collective action, and the role of governance in fostering a just and virtuous society. Comparing Aristotle's views to the EU revealed intriguing commonalities and disparities. While both prioritize the collective, their origins, purposes, and relationships with individual entities diverge. Aristotle's quasi-historical narrative of the city-state's development bears resemblance to the EU's more deliberate evolution, underscoring the enduring relevance of ancient political thought in contemporary governance.

In conclusion, the Winter School has been a most insightful experience, equipping us with a nuanced understanding of democratic principles in today's international law. From Aristotle's timeless insights to the intricacies of the EU treaties, this educational journey has broadened our perspectives and honed our analytical skills. As we conclude this immersive experience, we depart with a renewed commitment to unraveling the complexities of political thought and navigating the dynamic landscape of democracy and governance.

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9. Thucydides. *Book 2*.

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